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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,902	03/30/2004	Gopinath Chappidi	H0006030	2901

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EXAMINER
WALSH, DANIEL I

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/708,902	CHAPPIDI ET AL.	
	Examiner	Art Unit	
	Daniel I Walsh	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-15 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7-04.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of the IDS received on 6 July 2004.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-4 and 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lareau et al. (US 2003/0137968).

Lareau et al. teaches two sets of badges attached to assets (items), wherein each badge sends a badge identifier and some of the badges receive other badge identifiers and send those along with their own identifier to a processing system to determine a location of the assets (abstract, and paragraph [0102]). Though Lareau et al. does not refer to the objects as assets, and

doesn't use the term asset badges and intelligent badges, the prior art teachings are functionally equivalent and read on the claim.

Re claim 2, though Lareau et al. is silent to a reader to receive the identifiers and send them to the processing system, the RMS is interpreted by the Examiner as an integrated reader and processor system, as it is able to receive the identifiers and process them for location information. Accordingly, at the time the invention was made, it would have been obvious that the RMS could be separated into two separated devices, as two distinct functions are performed (data is received, and location is processed). Though the prior art is silent to separate devices, the Examiner notes that constructing a formerly integral structure in various elements involves only routine skill in the art. Nerwin v. Erlichman, 168 USPQ 177, 179. Further, the Examiner notes that though separate components are claimed, the separate devices functionally perform no unique/specific function, which is not performed, or expected to be performed, by the integrated device of Lareau et al. Therefore, simply separating into two devices, which is performed by one device, is well within the skill in the art.

Re claim 3, the use of intermediate tags (FIG. 2) is interpreted as a common badge identifier to help determine location of badges/assets.

Re claim 4, dummy ID 135 is interpreted as a reference badge positioned at a known location and transmits its badge identifier as part of a stream of identifiers used to locate the assets relative to a known location.

Re claim 6, the limitations have been discussed above re the intermediate/dummy badges. Though the prior art is silent to component and active badges, the prior art teaches the use of intermediate and dummy badges to locate different objects in a system. Accordingly, it is

understood that the location of the component badges is the same as the relative location of the active badge, in cases where the objects/assets are relatively close together. Simply providing names for assets, without functionally defining what the badges are, and why they are different, does not patentably distinguish the types of badges. The examiner has interpreted the different types of badges, as nothing more than badges of a different type (whether it be of a different type of object/asset, etc.). The Examiner notes that if functional weight is desired to be given to the different tags/badges (asset/intelligent/component/active), that the claims need to be drawn to the specifics of what makes a badge a certain type of badge.

Re claims 7-8, the Examiner notes that it is well known that the more intelligent/intermediate badges there are, the more precisely a location can be identified. Re claim 7, it is understood that the badges either contain an asset badge identifier or an intelligent badge identifier.

Re claims 9-15, the limitations have been discussed above. The Examiner notes that common badge identifiers are interpreted to include dummy/intermediate tags as discussed above, that are used to determine the location. Re claims 13-14, dummy badges are interpreted as reference badges at a known location to determine location relative to the known location.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lareau et al. in view of Heller (US 6154139).

The teachings of Lareau et al. have been discussed above.

Lareau et al. is silent to the badges sending identifiers in both an IR and RF signal, wherein the RF signal is received by the reader and the intelligent badges receive the IR signal, as Lareau et al. teaches the transmission being done by RF means.

Heller teaches tags that are capable of sending identifying signals in both RF and IR format (abstract).

At the time the invention was made, it would have been obvious to an artisan to combine the teachings of Lareau et al. wit those of Heller.

One would have been motivated to do this in order to be able to communicate signals in a line of sight manner in order (RF) to reduce the costs, while when required (such as not line of sight, or remote) still transmitting via RF, in order to ensure data transmission/reception.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Shek (US 2004/0155778), Richley et al. (US 2004/0108954), Boyd et al. (US 6,380,894), Woolley (US 5,959,568), Woolley et al. (US 5,804,810), Welles et al. (US 2002/0167417), Feinberg (US 2002/0032525), Yoshikawa et al. (US 2002/0030625), Doles et al. (US 2001/0030625), McCall et al. (US 6,738,628), Burgess (US 6,720,876), Yoshikawa et al. (US 6,480,787), Rogers et al. (US 2003/0234741), Kabala (US 2003/0191767), Lastinger et al. (US 2003/0030568), Wildman (US 2002/0183979), Smith (US 6,556,942), Kabala (US 6,539,393), Belcher et al. (US 6,121,926), Ciarcia et al. (US 2004/0189471), Reisman et al. (US 2004/0189471), Wijk (US 2004/0104817), Hayashi et al. (US 2004/0021566), Wildman et al. (US 6,727,818), Wagner (US 2004/0174260), and Wildman (WO 2091297 A1).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Walsh whose telephone number is (571) 272-2409. The

examiner can normally be reached between the hours of 7:30am to 4:00pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone numbers for this Group is (703) 308-7722, (703) 308-7724, or (703) 308-7382.

Communications via Internet e-mail regarding this application, other than those under 35 US.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[daniel.walsh@uspto.gov]**.

> All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set for the in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

DW
10/25/04

KARL D. FRECH
PRIMARY EXAMINER